



Senate

General Assembly

File No. 764

January Session, 2015

Substitute Senate Bill No. 1047

Senate, May 5, 2015

The Committee on Government Administration and Elections reported through SEN. CASSANO, S. of the 4th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT AMENDING THE CHARTER OF THE BOROUGH OF FENWICK WITHIN THE TOWN OF OLD SAYBROOK.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 1 of number 271 of the special acts of 1899, as
2 amended by section 11 of special act 13-23, is amended to read as
3 follows (*Effective from passage*):

4 That [all of] the electors [of this state, who own real estate located in
5 and who have been domiciled for two months during the year last past
6 in the town of Old Saybrook and within] described in section 2 of
7 number 271 of the special acts of 1899, in relation to the territory
8 included within the following limits, to wit: Bounded north by the
9 South Cove, so called; east by Connecticut River; south by Long Island
10 sound; and west by the east line of land of Daniel C. Spencer, said east
11 line running about south from said South Cove to Long Island sound,
12 the territory comprised within said boundaries being situated on the
13 peninsula of Lynde's Point, and known as New Saybrook and so

14 designated on a map thereof on file in the office of the town clerk of
15 Old Saybrook; are hereby declared to be, and shall forever continue to
16 be, a body politic and corporate within said town of Old Saybrook, by
17 the name of the borough of Fenwick; and by that name they and their
18 successors shall have perpetual succession, and shall be a person in
19 law, capable of suing and being sued, pleading and being impleaded
20 in all courts of whatsoever nature; and also of purchasing, holding,
21 and conveying any estate, real or personal; and shall have a common
22 seal and may change and alter the same at pleasure.

23 Sec. 2. Section 2 of number 271 of the special acts of 1899 is amended
24 to read as follows (*Effective from passage*):

25 (a) [All of the electors aforesaid, domiciled within said limits for two
26 months during the year last past, and owners of real estate located
27 within said limits, and all] Electors of the borough of Fenwick shall
28 include (1) all electors of the town of Old Saybrook who actually reside
29 within the limits of the said borough, [shall be freemen at the first
30 election of officers under this act and for the year next ensuing; and
31 every elector of this state who shall thereafter have been domiciled
32 within the limits of said borough for a period of two months during
33 any year and who shall have owned real estate located in said borough
34 during said time shall be a freeman of said borough for the year during
35 which he has so owned real estate and been so domiciled for two
36 months and for the year ensuing and all electors of the town of Old
37 Saybrook who actually reside within the limits of said borough shall
38 also be freemen of said borough] (2) every citizen of the United States
39 of the age of eighteen years or more who is liable to said borough for
40 taxes assessed against such citizen on an assessment of not less than
41 one thousand dollars on the last-completed grand list used in
42 connection with the assessment of taxes by said borough, or who
43 would be so liable if not entitled to a statutory exemption, and (3) any
44 holder of record of an interest in real property located within said
45 borough. Any [freeman] elector of said borough who votes in [the]
46 said borough under the provisions of [this act] number 271 of the
47 special acts of 1899, but whose permanent residence is not within the

48 limits of the town of Old Saybrook, may vote at all elections in any
49 town in this state where he or she permanently resides, and the fact
50 that any person is registered as [a voter] an elector in the borough of
51 Fenwick shall not deprive him or her of the right to register and vote in
52 any town in this state where he or she has a permanent residence.

53 (b) (1) For purposes of voting at any meeting or referendum held by
54 said borough, a corporation shall have its vote cast by the chief
55 executive officer of such corporation, or such officer's designee. Any
56 entity that is not a corporation shall have its vote cast by a person
57 authorized by such entity to cast its vote. No real property owner that
58 is a corporation or an entity other than a natural person shall have
59 more than one vote.

60 (2) If any particular property is co-owned by more than one
61 corporation or more than one entity that is not a natural person, such
62 corporations or entities shall have only one vote among them to cast at
63 any borough meeting or referendum, which vote shall be cast by a
64 person authorized by such corporations or entities. If the corporations
65 or entities that co-own a property disagree as to how the vote shall be
66 cast, none of them shall vote. The borough may accept the vote of any
67 corporation or entity as being the vote for a particular property, unless
68 the borough has actual notice of a disagreement among the various
69 corporations or entities that co-own the property. No warden or
70 burgess shall be liable to any elector or third party for accepting the
71 vote of any person authorized by a corporation or other entity that is
72 not a natural person to cast such corporation's or other entity's vote
73 pursuant to this section.

74 (3) Except as otherwise provided in this subsection, no holder of
75 record of an interest in real property shall be precluded from
76 participating in any borough meeting or referendum because of the
77 form of entity that holds such interest, whether such holder of record
78 is: (A) A corporation, partnership, unincorporated association, trustee,
79 fiduciary, guardian, conservator or other form of entity, or any
80 combination thereof, or (B) an individual who holds an interest jointly

81 or in common with another individual or individuals, or with any one
82 or more of the entities listed in subparagraph (A) of this subdivision.

83 Sec. 3. Section 3 of number 271 of the special acts of 1899, as
84 amended by section 1 of number 256 of the special acts of 1943, section
85 1 of number 325 of the special acts of 1951 and number 28 of the special
86 acts of 1957, is amended to read as follows (*Effective from passage*):

87 A meeting of the [legal voters] electors of said borough of Fenwick
88 shall be held on the first Saturday of July in the year 1957, and
89 biennially thereafter, for the election from their numbers by a plurality
90 of votes of a warden, six burgesses, a clerk, a treasurer and a collector.
91 All of said officers of said borough shall be sworn faithfully to perform
92 the duties of their several offices, and shall hold office until the next
93 meeting and until others shall be chosen and qualified in their stead.
94 Notice of any meeting shall be signed by the warden or any three
95 burgesses, and shall designate the time and place of such meeting, the
96 officers to be elected, and other business to be transacted thereat; and
97 such notice shall be posted at least five days before the date of such
98 meeting on the public signpost in said borough.

99 Sec. 4. Section 11 of number 271 of the special acts of 1899, as
100 amended by section 3 of number 256 of the special acts of 1943, is
101 amended to read as follows (*Effective from passage*):

102 The clerk shall be clerk of the borough and clerk of the board of
103 warden and burgesses, and shall act as such at all meetings of the
104 voters of said borough, and at all meetings of said board of warden
105 and burgesses; and it shall be his duty to make and keep all the records
106 of such meetings, and he shall be the custodian of all books, papers,
107 and documents belonging to said borough and said warden and
108 burgesses, except such books and documents as the treasurer shall be
109 required to keep. All books, papers and documents so kept by the clerk
110 shall be open to the inspection of any inhabitant of said borough at all
111 reasonable times. He shall also post and serve all notices which may be
112 required by the board of warden and burgesses, and shall perform
113 such other clerical duty as may be required by said board or the voters

114 of the borough, at any legal meeting. In the absence of the clerk, a clerk
 115 pro tempore may be appointed by the warden of the borough, and
 116 such clerk pro tempore, while acting as clerk, shall have all the powers
 117 and be subject to all of the duties of clerk; it shall also be the duty of
 118 the clerk, or in his absence the clerk pro tempore, to prepare a list of all
 119 the electors within the borough at the last preceding electors' meeting
 120 in said borough, forty-eight hours previous to the annual or any
 121 special meeting of the voters of the borough for the election of officers,
 122 to be used as a check list at such meeting; and no person shall vote at
 123 any such meeting unless his name shall be on such list; [, or unless his
 124 right to vote at such meeting shall have matured under section two, by
 125 a continuous domicile of two months within the limits of said
 126 borough;] and if such list cannot be prepared, then the list used at the
 127 last meeting of the voters of the borough for the election of officers
 128 shall, on the morning of the annual meeting, be revised by the wardens
 129 and any two burgesses, or in the absence or inability of the warden, by
 130 the clerk and any two burgesses, and be used until a certified list can
 131 be prepared. The name of any elector omitted from said list by clerical
 132 error [, and the name of any elector whose right to vote shall have
 133 matured under section two,] may be added on election day by the
 134 presiding officer.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	Number 271 of the special acts of 1899, Sec. 1
Sec. 2	<i>from passage</i>	Number 271 of the special acts of 1899, Sec. 2
Sec. 3	<i>from passage</i>	Number 271 of the special acts of 1899, Sec. 3
Sec. 4	<i>from passage</i>	Number 271 of the special acts of 1899, Sec. 11

Statement of Legislative Commissioners:

In Section 2(b)(1) a reference to "referendum" was added for consistency with Section 2(b)(2) and 2(b)(3) and Section 4 was added for consistency with the changes being made in Section 2.

GAE *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill, which makes changes regarding who can participate in public meetings and vote in referenda in the Borough of Fenwick, has no fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis

sSB 1047

AN ACT AMENDING THE CHARTER OF THE BOROUGH OF FENWICK WITHIN THE TOWN OF OLD SAYBROOK.

SUMMARY:

The Office of Legislative Research does not analyze Special Acts.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute

Yea 19 Nay 0 (03/20/2015)

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 15 Nay 0 (04/20/2015)